

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

vs.

03-CR-211S

FRANK E. PETERS,

Defendant.

CONSENT ORDER

WHEREAS, on or about August 2, 2007, the Government filed a Notice as to FRANK E. PETERS alerting him to Title 18, United States Code, Section 2232 which prohibits the destruction, dissipation, waste, disposal, or transfer of assets otherwise subject to seizure or forfeiture by the Government and that the Government alleged that certain assets, having been named as substitute assets in the Indictment and the defendant having been convicted of various crimes alleged in said Indictment, may be subject to seizure and forfeiture by the Government; and

WHEREAS, the transfer, conveyance or encumbrance of said real property by the defendant or any third party could render FRANK E PETERS' equity in or the market value of said real property to be diminished or unavailable for forfeiture; and

WHEREAS, on March 19, 2009, this Court entered a Decision and Order that FRANK E. PETERS "shall forfeit \$23,154,259 ... [and grant] [t]he government's request for entry of a preliminary order

of forfeiture for a personal money judgment against Peters, with provisions for the forfeiture of the identified substitute assets...", it is therefore, now

ORDERED, DIRECTED AND DECREED, that **FRANK E. PETERS**, his agents, servants, employees, attorneys, family members, and companies and/or businesses which he owns or controls in whole or in part and those persons in active concert or participation with him, and those persons or entities who have any interest or control over the subject real properties are hereby restrained from attempting or completing any action that would change or affect title to and/or the availability, marketability or value of said property, including but not limited to selling, assigning, pledging, transferring, distributing, encumbering, wasting, secreting, depreciating, damaging, or in any way diminishing the value of, all or any part of his interest, direct or indirect, in the following real property:

1. The Premises and Real Property with improvements located at 513 Mesquite, Lot 26, Palm Desert, California, and

2. Any other real or personal property which FRANK E. PETERS owns or controls in whole or in part, directly or indirectly,

without prior approval of this Court and upon notice to the United States and an opportunity for the United States to be heard, pursuant to Title 21, United States Code, Sections 853(e), (f) and

(g) and Title 28 United States Code, Section 1651; and it is further

ORDERED, that FRANK E. PETERS is required to maintain the present condition of any subject real property including timely payment of any loan payments, insurances, utilities, taxes and assessments until further Order of this Court, and

FURTHER, that the government's Motion for Entry of a Non-Dissipation Order (Docket No. 356) is GRANTED, there being no objection by Defendant, and

FURTHER, that the Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

SO ORDERED.

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge

DATED: March 30, 2009
Buffalo, NY